

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDMUND GITTENS,

**DECLARATION OF MARK
D. ZUCKERMAN**
Plaintiff,

-against-

THE CITY OF NEW YORK, et. al,

10-CV-8502 (PAC)

Defendants.

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MARK D. ZUCKERMAN, an attorney duly admitted to practice in the State of New York and the Southern District of New York, declares under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following statements are true and correct:

1. I am a Senior Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendant City of New York. As such, I am familiar with the facts stated below and submit this declaration to place the relevant information and documents¹ on the record in support of defendant City's motion to dismiss.

2. Annexed hereto as Exhibit A is plaintiff's Complaint in Gittens v. City of New York, et. al., 09 Civ. 9805 (LTS)(KNF).

3. Annexed hereto as Exhibit B is the parties' Stipulation of Settlement and Order of Dismissal in Gittens v. City of New York, et. al., 09 Civ. 9805 (LTS)(KNF).

¹ At the pre-motion conference, the Court indicated it would take judicial notice of the documents referenced herein.

4. Annexed hereto as Exhibit C is the General Release executed by Edmund Gittens in Gittens v. City of New York, et. al., 09 Civ. 9805 (LTS)(KNF).

Dated: New York, New York
March 1, 2011

_____/s/_____
Mark D. Zuckerman